



RAVALLI COUNTY ATTORNEY

205 Bedford Street, Suite C, HAMILTON, MT 59840-2853
Phone (406) 375-6750 Fax (406) 375-6731

TO: Laura Hendrix, Floodplain Administrator
CC: Commissioners ✓
FROM: Alex Beal, Deputy AB
DATE: October 19, 2007
RE: The Jay Gasvoda matters

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Ravalli County Commissioners

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This week's planning legal advice questions included two updates on the Jay Gasvoda matters. Thank you for keeping me apprised of what is going on with those two properties. Regarding the Woodside Cutoff Road property, it appears from your comments and timelines that Mr. Gasvoda is attempting to use the LOMR-F process in an improper manner. This is certainly something that the County cannot support, and I appreciate your continued efforts with this. I agree that you cannot give our approval to FEMA since by all accounts he is claiming that modified ground was naturally occurring.

As for the Old Corvallis Road property, it certainly appears that a violation of our floodplain regulations is taking place. As is our policy with all regulatory violations, if you feel like this matter should be pursued by the County Attorney's Office, either civilly or criminally, please send us a letter asking us to formally do so. It would be best if it briefly explained what sections of the regulations had been violated and why. It would also be helpful to have copies of the pertinent documents from your file to help us decide what course of action to pursue. After I have had a chance to look them over, I will definitely want to talk to you again, to figure out how to proceed. If you would like to talk further, with myself or anyone else, to help decide if you should refer this matter to my office, that would not be a problem at all.

You mentioned today that Mr. Gasvoda has retained counsel. If you hear from his attorney, please feel free to refer him/her to me, and I would be more than happy to discuss this matter with his counsel. I would hope that such a discussion would help to bring Mr. Gasvoda into line with our regulations. If not, we will likely need to pursue court action, which will unfortunately be drawn out and ugly, if past regulatory enforcement actions are any indication.